

# **City of Scottsbluff, Nebraska**

**Monday, October 5, 2015**

**Regular Meeting**

## **Item Consent1**

**Approve the minutes of the September 21, 2015 Regular Meeting.**

**Staff Contact: Cindy Dickinson, City Clerk**

Regular Meeting  
September 21, 2015

The Scottsbluff City Council met in a regular meeting on Monday, September 21, 2015 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on September 18, 2015, in the Star Herald, a newspaper published and of general circulation in the City. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodations to attend the Council meeting should contact the City Clerk's Office, and that an agenda of the meeting kept continuously current was available for public inspection at the office of the city clerk in city hall; provided, the city council could modify the agenda at the meeting if it determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and KDUH, and the Star Herald. The notice was also available on the city's website on September 18, 2015. An agenda kept continuously current was available for public inspection at the office of the City Clerk at all times from publication of the notice to the time of the meeting.

Mayor Randy Meininger presided and City Clerk Dickinson recorded the proceedings. The Pledge of Allegiance was recited. Mayor Meininger welcomed everyone in attendance and encouraged all citizens to participate in the council meeting asking those wishing to speak to come to the microphone and state their name and address for the record. Mayor Meininger informed those in attendance that a copy of the Nebraska open meetings act is posted in the back of the room on the west wall for the public's review. The following Council Members were present: Jordan Colwell, Randy Meininger, Raymond Gonzales, Scott Shaver and Liz Hilyard. Absent: None.

Mayor Meininger asked if there were any changes to the agenda. City Clerk Dickinson informed the Council that item 9b. needs to be pulled from the agenda. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve removal of item No. 9b. regarding the offer from American Tower to purchase the tower site from the agenda," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none. Moved by Council Member Gonzales, seconded by Council Member Hilyard that,

1. "The minutes of the September 8, 2015 Regular Meeting be approved,"
2. "The City Managers appointments to various boards and commissions be approved,"
3. "The liability claim received from Maria Arellano which has been forwarded to the city's insurance carrier be approved,"
4. "The Community Festival Permit be approved for Western Trail Sports for a Fall Hunting Promotion on September 26, 2015, 10:00 a.m. to 2:00 p.m., sidewalk surrounding 1802 Broadway," "YEAS", Colwell, Meininger, Gonzales and Hilyard, "NAYS", Shaver. Absent: None.

Moved by Council Member Shaver, seconded by Council Member Colwell, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated September 21, 2015, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

## CLAIMS

ACTION COMMUNICATIONS INC.,800 RADIO INSTALL,327; ADVANCING TECHNOLOGY, INC.,SUPPLIES,751; AE SERVICES, LLC,INST. METER & WIRING FOR 27TH & 2ND T.S.,910.44; AIR EVAC EMS, INC,MEMBERSHIPS,6795; ANITA'S GREENSCAPING INC,BID PRKNG LTS,996.67; ASSURITY LIFE INSURANCE CO,LIFE INS,34.36; AULICK LEASING CORP,GRDS MAINT,478.88; B & H INVESTMENTS, INC,CONTRACTUAL SVC,88; B&C STEEL CORPORATION,DEPT SUP,23.18; BELTLINE SAND & GRAVEL INC,DEPT SUP,221.55; BLUFFS SANITARY SUPPLY INC.,DEPT SUPPLIES,26.99; BROWN TRANSFER CO,CONTR SERV,81.77; CAPITAL BUSINESS SYSTEMS INC.,CONT. SRVCS,249.07; CARR- TRUMBULL LUMBER CO, INC.,SUPP - CEMENT,25.31; CELLCO PARTNERSHIP,CELL PHONE,172.78; CEMENTER'S INC,CONCRETE,2183.34; CHLANCES DITTMER,REFUND,60; CITIBANK N.A.,DEPT SUP,63.48; CITY OF GERING,DISPOSAL FEES,43782.72; CONNOLLY, MONTE,OVER PAYMENT,5; CONTRACTORS MATERIALS INC.,SUPP - CONCRETE SAW BLADES,569.38; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACEMENT,222.16; CRESCENT ELECT. SUPPLY COMP INC,DEP SUP,438.72; CYNTHIA GREEN,DEPT SUP,205.58; DALE'S TIRE & RETREADING, INC.,VEHICLE MTNC,1122.08; DUANE E. WOHLERS,DISPOSAL FEES,800; ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MTNC,1051.34; FEDERAL EXPRESS CORPORATION,POSTAGE,660.37; FLAGSHIP PUBLISHING INC,SBSCRIP,24; FLOYD'S TRUCK CENTER, INC,VEHICLE MTNC,1580.17; FREMONT MOTOR SCOTTSBLUFF, LLC,RELAY ASSY FOR CENTRAL GARAGE,55.04; FUN EXPRESS, LLC,SPECIAL EVENTS,223.98; GENERAL ELECTRIC CAPITAL CORPORATION,SIX CAR SEATS FOR PROGRAM,580.24; GENERAL TRAFFIC CONTROLS, INC,T.S. PARTS,281.59; HAWKINS, INC.,CHEMICALS,3150.5; HEILBRUN'S INC.,VEHICLE MTNC,1863.94; HONEY WAGON EXPRESS,DEPT SUPPLIES,155; ICMA RETIREMENT TRUST-457,DEF COMP,1325.14; IDEAL LAUNDRY AND CLEANERS, INC.,DEPT SUPPLIES,911.32; INGRAM LIBRARY SERVICES INC,BKS,1063.65; INTERNAL REVENUE SERVICE,WITHOLDINGS,63736.19; INTRALINKS, INC,EQUIP. MAIN.,436.18; J G ELLIOTT CO.INC.,VOLUNTEER FIREFIGHTER LIFE INSURANCE PACKAGE,310; JOHN DEERE FINANCIAL,UNIFORMS & CLOTHING,110.95; JOHN DEERE FINANCIAL,DEPT SUP,63.36; JOHN DEERE FINANCIAL,EQUIP MAINT,40.41; LEAGUE OF NEBRASKA MUNICIPALITIES,CONFERENCE,374; M.C. SCHAFF & ASSOCIATES, INC,ENG. SERV. FOR 27TH & 2ND TURN LANE,5150.75; MADISON NATIONAL LIFE,MADISON,1880.31; MENARDS, INC,GROUND MAINT,506.01; MONUMENT CAR WASH INC,VEH MAINT,9; MOWER SHOP, THE,EQUIP MAINT,7.84; MUNICIPAL PIPE TOOL CO, LLC,EQUIP MAINT,650.71; NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,1863.43; NE DEPT OF ENVIRONMENTAL QUALITY,CONTRACTUAL SERVICES,2100; NE DEPT OF REVENUE,SALES TAX,55478.06; NEBRASKA SAFETY & FIRE EQUIPEMENT INC.,EQUIP MAIN,175; NEBRASKA PUBLIC POWER DISTRICT,ELECTRIC,47157.25; NEMNICH AUTOMOTIVE,VEH MAINT,68.25; NETWORKFLEET, INC,SUPP - MONTHLY GPS SERVICE,18.95; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GRNDS MAINT,36.04; OCLC ONLINE COMPUTER LIBRARY CENTER, INC,CONT. SRVCS,310.39; PANHANDLE COOPERATIVE ASSOCIATION,GASOLINE,15172.75; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,54; PAUL REED CONSTRUCTION & SUPPLY, INC,CRUSHED CONCRETE FOR ALLEYS,106.34; PLATTE VALLEY BANK,HSA,13772.16; POSTMASTER,POSTAGE,891.14; RAAJ LINCOLN LESSEE LLC,ROOM FOR MURPHY TRAINING,479.97; REGIONAL CARE INC,FLEX HEALTH,17574.5; RUSCH'S GENERAL CONTRACTING, LLC,CONTRACTUAL SERV,4312; RUSHMORE MEDIA COMPANY, INC,CONTRACTUAL SVC,363.5; RYAN R KUMM,HITCH INSTALL ON DIVE BUS,400; S M E

C,EMPLOYEE DEDUCTIONS,238; SANDBERG IMPLEMENT, INC,DEPT SUP,1372.05; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,195; SCOTTS BLUFF COUNTY COURT,LEGAL FEES,408; SCOTTSBLUFF POLICE OFFICERS ASSOCIATION,POLICE EE DUES,600; SCOTTSBLUFF SENIOR CENTER, CONTRACTUAL SERV, 5750; SCOTTSBLUFF/GERING CHAMBER OF COMMERCE,STATE OF THE VALLEY LUNCHEON, 184; SCREENVISION,CONTRACTUAL SVC,272; SHERIFF'S OFFICE,LEGAL FEES,149.03; SHERWIN WILLIAMS,PARTS FOR PAINT STRIPER,238; SIMMONS OLSEN LAW FIRM, P.C.,CONTRACTUAL SERVICES, 10920.6; SIMON CONTRACTORS,CONCRETE,2257.98; SNELL SERVICES INC., BLDG MAIN, 380; SUPERIOR SIGNALS, INC, LIGHTS FOR PICKUPS/TRUCKS, 1651.2; TAMARA REICHERT, DEPT SUPPLIES, 99.5; THOMAS P MILLER & ASSOCIATES, LLC,CONTRACTUAL SERV, 20255.21; TIME FASTENER CO, INC,SPARK PLUG KIT FOR CENTRAL GARAGE,423.86; TOMMY'S JOHNNYS INC,CONTRACTUAL,1305; TOTAL FUNDS BY HASLER, PSTGE,500; TRANS IOWA EQUIPMENT LLC,FINAL PAYMENT ON SNOW BLOWER,38671.23; UNIQUE MANAGEMENT SERVICES, INC,CONT. SRVCS,358; UNITED RENTALS (NORTH AMERICA), INC,CONTR SERV,855.98; US BANK,DEPT SUP,69.36; VAN PELT FENCING CO, INC,GRND MAINT,87.5; WELLS FARGO BANK, N.A.,RETIREMENT,29947.09; WESTERN COOPERATIVE COMPANY,DEPT SUPP,475.56; WESTERN PATHOLOGY CONSULTANTS, INC,RANDOM DOT TESTS,127; WYOMING FIRST AID & SAFETY SUPPLY, LLC,DEPT SUPPLIES,264.47; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF, NE,YMCA,1958; REFUNDS: SHAWN NEDELLA, 5.36; STEVE MATHEWS, 8.39; KATHERINE GRAVES, 8.69; ANDREW GREEN, 27.65; COLLEEN GRIDLEY, 72.61; RACQUEL YBARRA, 5.63; FRANK KENZY .76; ANNE URBINA 10.52; JOSEPH SUMMERVILLE 28.64; JIM MARSH 9.02; CHEEMA, 104.77; SAMUAL SERDA, 6.25; RUSS SMITH, 4.59.

Assistant City Manager Johnson presented the bid proposal for the Sanitary Sewer Project by the Scottsbluff Drain near East 27<sup>th</sup> Street. The first bid for this project was received in May and rejected because it exceeded the engineer's estimate. The most recent bid received from Paul Reed Construction, exceeded the estimate by over \$100,000. Staff is recommending rejecting the bid and bidding the project at a later date. Moved by Council Member Shaver, seconded by Council Member Hilyard, "to reject the bid received from Paul Reed Construction for the Sanitary Sewer Main & Siphon Project due to funding resources and limited bid proposals," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

Mr. Johnson presented the following bids for the front wheel loader for Environmental Services: Power Equipment \$117,224 (bid did not meet the specifications); Murphy Tractor \$145,965; Nebraska Machinery \$142,500; and Case Titan Machinery \$148,750. The NDEQ Grant for this purchase will pay up to \$100,000 for the equipment and the compost facility screen, the Environmental Services operating budget will pay the difference. Moved by Council Member Gonzales, seconded by Council Member Hilyard, "to award the bid to Nebraska Machinery for a front wheel loader for Environmental Services in the amount of \$142,500 as the lowest most responsible bid," "YEAS", Gonzales, Colwell, Meininger, and Hilyard. "NAYS" Shaver. Absent: None.

Library Director Abby Yellman presented an update on the revised Library policies. She explained that staff reviewed the old policies and removed all outdated policies. The Library Board and legal staff have reviewed the policies. Some of the major revisions include the mission and vision statement; the cell phone and electronic device policy; addition of the unpaid accounts collection policy; updated nondiscrimination policy; and updated the unattended children policy, requiring children under the

age of 8 to be accompanied by an adult. As a clarification, this update has been approved by the Library Board, however, the Council may approve the policies if they wish.

Council Member Shaver asked about the American Library Association (ALA) freedom to read statement and why it is in the policy. Ms. Yellman explained that she views the ALA as a guiding principle for libraries. They set a tone for public libraries and are used to develop policies and selections.

Mr. Kuckkahn added, that it would be good to have the Council approve the policies. Ms. Yellman added that the Library would like to include a repeal process in the policy, which would be best if it were approved by the City Council. Mr. Shaver voiced his opinion that the ALA Freedom to Read portion should be eliminated as he feels it is inaccurate. Ms. Yellman explained that many libraries include the ALA statements as a guiding principle. The board could review and discuss the inclusion of the ALA Freedom to Read policy. Council Member Colwell would like a report of the Board's decision, as he feels not all Council Members are in agreement about the accuracy of the ALA Freedom to Read policy.

Ms. Yellman pointed out that the Strategic Plan is also added to the document and would like input from the Council on the plan. Mayor Meininger expressed his appreciation to Library Director Yellman for bringing the Policy and Strategic Plan to the Council for review, and will add this to the next Council agenda.

Dr. Rommie Hughes, parent and community supporter, explained some of the maintenance issues facing Cleveland Baseball Field. Some concerned citizens have formed a committee to address these issues and plans to improve the conditions of Cleveland Field. He explained that Mr. Bob Hessler has volunteered many hours to maintain the field for WNCC, however, there are some items that require more in depth repairs. They have developed a plan for the next five years on ways to fund these improvements. There are many people in the community who are willing to donate their time and money to get Cleveland Field where it should be. Because of the current condition of the field, they are not able to host any State tournaments due to the condition of the press box and stands which don't meet specifications. Having tournaments in Scottsbluff brings a significant amount of revenue for the community for people who travel here from out of town. Some of the safety issues surrounding the field include the back stop, the dug outs and the railing around the stands.

Mr. Bob Hessler, speaking on behalf of the baseball parents, explained that he has been taking care of the field for WNCC for many years. He added that Park Supervisor Rick Deeds has been very helpful in taking care of maintenance items and is very good to work with. Mr. Hessler gave some history of Cleveland field, which was built in the late 1920's. During the summer there can be 75 – 80 games there each week between the College and Legion Ball programs.

Some of the items they would like to remodel and repair is the press box, which needs to be repainted (it is currently white which makes it hard to see the ball for the players) and needs a new PA system and windows; the handicap ramp needs to be wider and has no rail; there are gaps in the stadium railing which is a safety concern if someone slipped through; the back stop concrete is crumbling and they need new netting. They also would like to move the bull pins and would like to move the scoreboard.

The total amount required for all repairs and improvements is approximately \$32,000.00. The Elks Lodge has a \$5,000.00 grant available for repairs to the press box. Mr. Hessler has researched other sources of funding as well. Mayor Meininger asked Mr. Hessler how the City could help. They would like the approval to begin working on Cleveland field and also a commitment from the City to help with in-kind assistance. Council Member Shaver asked how much of the work would come from WNCC the renovation. Mr. Hessler added that he could not speak on behalf of the College, he mainly wanted to give the Council an update on the condition of the field. Mr. Mark Bohl, Public Works Director, commented that he could arrange schedules to help with tearing out some of the concrete, etc. Mr. Kuckkahn added that we need to be cautious to not over commit the Transportation Department.

City Attorney Howard Olsen expressed his concern about contracts between the city and any subcontractors, and liability issues regarding volunteers. He advised staff to contact our insurance company (LARM) if any volunteers work on this project. Mr. Kuckkahn asked that all contractors work through the City so we can make sure the proper insurance is in place. As far as financial assistance from the City, Mr. Hessler said they would need approximately \$15,000.00. Council Member Shaver would like to make sure the fencing by the railing is included in the specifications. In addition, Council Member Shaver would like to make sure the College also contributes financially to the project.

Moved by Mayor Meininger, seconded by Council Member Shaver, "to approve the concept of repairs and renovations to Cleveland Field and allow for in-kind work by City staff, if available, and direct staff to work through other issues with the necessary renovations," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

Mr. Johnson presented the proposals for playground equipment for Frank Park. He explained that we received several bids for the equipment. The bid from Burke for \$29,975 appeared to be the best bid, however it was not the lowest. All of the bids were under \$30,000.00, which was the goal.

Mayor Meininger commented on the possibility of having the youth be involved in choosing which equipment would be best for them. He suggested sending pictures of the equipment to the schools so the children could vote and be a part of choosing the equipment. Council talked about possibly combining some of the plans to best suit the needs of the children.

Nathan Green approached the Council and asked if there would be seating for parents around the playground. Mr. Johnson commented that replacing the playground is the first concern, then additional amenities to include benches, picnic tables and climbing rocks.

Council agreed that the proposals should be sent to the schools for children to vote on. Council Member Hilyard agreed to help Assistant City Manager Johnson with the school survey. Moved by Mayor Meininger, seconded by Council Member Colwell, "to send three proposals to each public elementary school, middle school, Community Christian, St. Agnes, and the Library, tabulate what the children want, and bring back to the City Council," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

City Manager Kuckkahn gave the Council an update on the Comprehensive Plan. The utility study is almost finished. When completed we will combine this with land use development and begin phasing development. We are currently working on the public input phase, with the key issues being transportation, parks and recreation, and housing. The dates will be advertised for an open house type of event. The Planning Commission has volunteered to be present for the open houses. Spanish translation will be available if needed for surveys. Council Member Shaver expressed the need to have the meeting dates posted on the web site. PADD is also working on the basic data for the Comprehensive Plan.

Council Member Colwell suggested other populations that need to be included are the elderly living in assisted living, members of the Senior Center, and organizations dealing with ADA issues. Mr. Johnson added that a staffer could be added to the utility billing as well.

Mr. Kuckkahn asked that a reminder letter be sent to agencies who receive financial support to submit quarterly reports. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to authorize the Mayor to sign letters to agencies who are receiving City financial support, requesting quarterly reports," "YEAS", Gonzales, Colwell, Meininger, Shaver, and Hilyard. "NAYS" None. Absent: None.

Regarding the Community Redevelopment Authority (CRA), Mr. Kuckkahn explained that a source of funding to support the CRA is important, however, before that happens, may want to begin approaching prospective members. We have a base of information to provide for those interested in serving on the CRA. Council Member Shaver voiced his concern of appointing members who don't presently have conflicts with other committees they serve on or appointing developers who would have a

direct conflict of interest. Council Member Gonzales agreed to begin approaching prospective CRA members and report back to the Council.

Council introduced Ordinance No. 4170 relating to confidentiality of information provided for economic development purposes which was read by title on third reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 6, ARTICLE 2, RELATING TO CONFIDENTIALITY OF INFORMATION PROVIDED FOR ECONOMIC DEVELOPMENT PURPOSES, REPEALING PRIOR SECTION, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

Moved by Mayor Meininger, seconded by Council Member Hilyard, "to approve Ordinance 4170 relating to confidentiality of information provided for economic development purposes," "YEAS", Colwell, Meininger, Hilyard, and Gonzales, "NAYS", Shaver. Absent: None.

Police Chief Spencer presented the Ordinance dealing with truck traffic, specifically during the bean harvest on Avenue B. In 2012 Council passed a Resolution approving truck travel on Avenue B during harvest, however, as a Resolution, it is not included in our Code, approving an Ordinance would make it part of our Code and easier for the police officers to enforce. Mayor Meininger introduced Ordinance 4171 which was read by title on first reading: AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH COMMERCIAL VEHICLE ROUTES, AMENDING THE SCOTTSBLUFF MUNICIPAL CODE AT CHAPTER 22, ARTICLE 2, AND DESIGNATING AN ADDITIONAL COMMERCIAL VEHICLE ROUTE, REPEALING PRIOR SECTIONS, AUTHORIZING PUBLICATION IN PAMPHLET FORM AND PROVTOING FOR AN EFFECTIVE DATE.

Moved by Mayor Meininger, seconded by Council Member Hilyard, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Colwell, Meininger, Hilyard, and Gonzales, "NAYS", Shaver. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Hilyard, "that Ordinance No. 4171 be adopted," "YEAS", Colwell, Meininger, Hilyard, Shaver and Gonzales, "NAYS" None. Absent: None.

Under Council Reports, City Attorney Olsen expressed his appreciation to many city departments for assistance during the upcoming Monument Marathon.

Moved by Council Member Colwell, seconded by Council Member Shaver, "to adjourn the meeting at 7:15 p.m.," "YEAS", Colwell, Meininger, Hilyard, Shaver and Gonzales, "NAYS" None. Absent: None.

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Mayor

Attest:

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City Clerk

"SEAL"